

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76855 of 2023

Arising Out of PS. Case No.-423 Year-2023 Thana- BHORE District- Gopalganj

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Ramesh Rajbhar @ Ramesh Kumar Rajbhar Son of Vichar Rajbhar Resident
of Hussepur, Kohar Toli, P.S. - Bhorey, District - Gopalganj, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Bhorey P.S. Case No. 423/2023 registered for the offences

punishable under Sections 30(a)/41(1) of the Bihar Prohibition

and Excise Amendment Act, 2016.

3. As per prosecution case, there is alleged recovery

of total 256.600 liters country made liquor from Bolero car in

question. Local Chaukidar disclosed the name of the petitioner

and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that

petitioner is innocent and has falsely been implicated in this

case. Nothing has been recovered from the conscious possession

of the petitioner. The petitioner is not apprehended on the spot



and he has nothing to do with the alleged occurrence. The petitioner is languishing in custody since 10.09.2023 and bears no criminal antecedent. He further submits that except disclosure of local Chaukidar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner was neither the owner of the said vehicle nor was concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law. On similar and identical allegation, co-accused Anil Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.76201/2023 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional District and Sessions Judge-II cum Special Excise
Court No.1, Gopalganj, Bihar in connection with Bhorey P.S.
Case No. 423/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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